

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>CHARLES EDWARD RHODES,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	<b>1:11CV427</b>
<b>v.</b>	)	<b>1:09CR217-1</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	

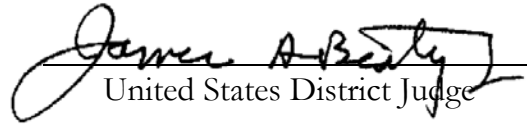
**O-R-D-E-R**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on June 10, 2011, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that this action be dismissed without prejudice to Petitioner filing a new motion, on the proper § 2255 forms, correcting the defects set out in

the Order and Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

  
United States District Judge

Date: June 30, 2011